

FINAL ORDER NO. 6364

DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION
1701 Prospect Avenue, P.O. Box 202601
Helena, Montana 59620-2601

IN THE MATTER OF **Harry B. Peck dba The**)
Stage Coach, Garneill, Montana, application) Docket No. T-95.40.PCN
for a Montana Intrastate Certificate) Order No. 6364
of Public Convenience and Necessity.)

The Commission, being fully advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On July 14, 1995, Harry B. Peck dba The Stage Coach, Highway 191, Box 67, Garneill, Montana 59445, filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity authorizing transportation of the following:

Class C - Passengers between all points and places within Fergus, Judith Basin, and Wheatland Counties.

Limitations: Transportation is limited to that provided under contract for the account of Heartland Seed Company and/or its successor in interest.

2. In accordance with Section 69-23-321, MCA, this matter was noticed to the public August 2, 1995. That notice said in pertinent part:

If no written protests are received by August 22, 1995, a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant.

The application included affidavits of support.

3. No protests or responses of any kind were received.

4. The record of this application is available for inspection at the Public Service Commission Office, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana 59620-2601.

CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.

2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.

3. Public Convenience and Necessity require a grant of the authority sought by the Applicant.

ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 1701 Prospect Avenue, Helena, Montana, on the 5th day of September, 1995, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-95.40.PCN, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of **Harry B. Peck dba The Stage Coach**, Garneill, Montana, for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

Class C - Passengers between all points and places within Fergus, Judith Basin, and Wheatland Counties.

Limitations: Transportation is limited to that provided under contract for the account of Heartland Seed Company and/or its successor in interest.

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by first class mail to the applicant and all parties herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 5th day of September, 1995, by a vote of 5 - 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

NANCY McCAFFREE, Chair

DAVE FISHER, Vice Chair

BOB ANDERSON, Commissioner

DANNY OBERG, Commissioner

BOB ROWE, Commissioner

ATTEST:

Kathlene M. Anderson
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Findings of Fact issued in Docket T-95.40.PCN in the matter of Harry B. Peck dba The Stage Coach (Garneill, Montana) has today been sent to all parties listed.

MAILING DATE: September 19, 1995

FOR THE COMMISSION

FIRST CLASS MAIL

Harry B. Peck
dba The Stage Coach
Highway 191, Box 67
Garneill, MT 59445

AS ITS INTERESTS MAY APPEAR:

Montana Consumer Counsel
34 West Sixth Avenue
P.O. Box 201703
Helena, MT 59620-1703